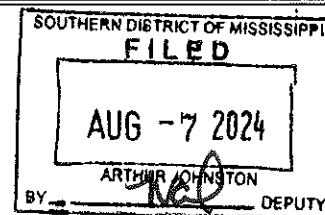


AO 91 (Rev. 11/11) Criminal Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Mississippi



United States of America

v.

ATRELL GALLOWAY, JR.

Case No.

3:24mj233-LGI

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 9, 2024 in the county of Hinds in the
Southern District of Mississippi, the defendant(s) violated:

Code Section
 18 U.S.C. Section 922(o)

Offense Description
 Unlawful Possession of a Machinegun

This criminal complaint is based on these facts:
 See attached Affidavit of ATF Special Agent Joshua Hunter Garrett.

☐ Continued on the attached sheet.

Complainant's signature

ATF Special Agent Joshua Hunter Garrett

Printed name and title

Sworn to before me and signed in my presence.

Date: 8/7/2024

Judge's signature

City and state: Jackson, MS

U.S. Magistrate Judge LaKeysha Greer Isaac

Printed name and title

AFFIDAVIT

1. I, Joshua Hunter Garrett, Special Agent with the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), being duly sworn, do hereby depose and state:

INTRODUCTION

1. I am employed as a Special Agent (S/A) of the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) with the United States Department of Justice and have been since February 2023. I am a graduate of the Federal Law Enforcement Training Center's Criminal Investigator Training Program and am a graduate of the ATF National Academy. Prior to my employment with the ATF, I was employed by the DeSoto County, Mississippi Sheriff's Department for approximately twelve (12) years.

2. I have received investigative training in overt/covert investigations in regard to criminal acts involving firearms and narcotics trafficking by individuals, organizations, and/or gangs. During my employment with ATF, I have been a part of numerous investigations involving firearms and gangs. I have investigated numerous cases regarding the illegal possession of firearms by convicted felons, illegal possession of machineguns, and others.

3. As part of my duties, I am involved in the investigation of **ATRELL GALLOWAY, JR.** for violating Title 18, United States Code Section 922(o), Unlawful Possession of a Machinegun.

PROBABLE CAUSE

4. In my investigation, I have developed the following facts in support of this Affidavit:

5. On June 9, 2024, Capitol PD Officer Isaac Edwards conducted a traffic stop at

Lynch St. and Tunica St. in Jackson, Mississippi after observing a vehicle make an abrupt lane change and almost lose control of the vehicle. While behind the vehicle, Officer Edwards also detected an odor of marijuana emitting from the vehicle.

6. Once the vehicle was stopped, Officer Edwards approached the vehicle and made contact with the driver, Xavier Buck. Seated in the front seat passenger's seat was the suspect, **ATRELL GALLOWAY, JR.** Immediately upon reaching the driver, Officer Edwards detected a strong odor of marijuana. Officer Edwards observed a lit marijuana cigar in plain view in the vehicle. Officer Edwards asked Buck if there was any other marijuana in the vehicle, and Buck asked **GALLOWAY**, "Where that sack at?" In response, **GALLOWAY** reached into his pocket and retrieved a bag of suspected marijuana.

7. Officer Edwards had both Buck and **GALLOWAY** exit the vehicle so that a probable cause search could be conducted for additional marijuana. Officer Edwards discovered additional marijuana in the backseat of the vehicle and also discovered a Glock Model 45 handgun in the pocket behind the driver's seat. Edwards inspected the firearm and discovered that it had been equipped with a suspected machine gun conversion device on the backplate of the slide.

8. Officer Edwards asked Buck and **GALLOWAY** who the firearm belonged to, and both denied ownership of the firearm at the scene. Buck and **GALLOWAY** were arrested on the scene and transported to the Capitol PD Flex Unit for further investigation. Upon arrest, Officer Edwards seized cell phones from Buck and **GALLOWAY**.

9. At the Capitol Police Headquarters, Capitol Police Department Investigators Martez Jackson and Chauncy Webster interviewed Buck. Buck was provided his *Miranda* rights and agreed to waive his rights and speak with investigators.

10. In Buck's interview, he described that upon being pulled over, **GALLOWAY** told

him that he had a firearm in his possession. Buck described that he then observed **GALLOWAY** remove a firearm from his person and put it somewhere in the back seat of the vehicle. On June 10, 2024, ATF SA Garrett met with Investigator Jackson and received the evidence associated with the case—the firearm, ammunition, Buck’s cell phone, and **GALLOWAY**’s cell phone.

11. On July 2, 2024, ATF SA Garrett applied for and was granted a search warrant for the cellular devices of Buck and **GALLOWAY** to further investigate the ownership of the firearm. United States Magistrate Judge Andrew S. Harris issued the search warrants and ATF SA Dale Stallings performed the forensic examination of the devices. Evidence was discovered of **GALLOWAY**’s ownership of the recovered firearm through the examination of the phone extraction. Included in the extraction were message exchanges between **GALLOWAY** and others where he stated his intent to possess a Glock handgun with a “switch.” Also included were photographs of the firearm with the displayed serial number that matched the serial number on the firearm recovered by CPD on the date of the traffic stop. The cellular device also included a video of an adult male, believed to be **GALLOWAY** firing a fully-automatic handgun.

12. Photographs of the recovered firearm an equipped machinegun conversion device were provided to ATF Firearms Enforcement Officer Eve E. Eisenbise who provided a preliminary determination that the device attached to the rear of the slide was a machinegun conversion device or “Glock Switch.” The firearm has since been submitted to the ATF Firearms and Ammunition Technology Division for further analysis.

13. With the above information I, ATF Special Agent Joshua Hunter Garrett, request an arrest warrant be issued for **ATRELL GALLOWAY, JR.** for violation of Title 18, United States Code, Section 922(o), Unlawful Possession of a Machinegun.

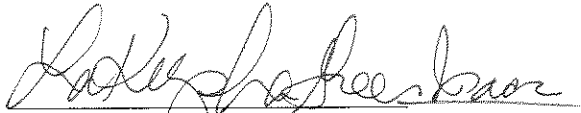


Joshua Hunter Garrett

Special Agent

U. S. Bureau of Alcohol, Tobacco, Firearms, and
Explosives

Sworn to and subscribed before me this 7th day of August, 2024.



United States Magistrate Judge